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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/364,794	07/30/99	BERGE	7480-PA1CP2

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EXAMINER

SHAPIRO, J

ART UNIT

3651

PAPER NUMBER

DATE MAILED:

12/03/99²

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/364,794

Applicant(s)

BERGE ET AL.

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-163 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☐ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention.

The species are as follows:

Species I, drawn to a general vacuum system for conveyance of ice cubes; figures No. 1, 2, 3;

Species II, drawn to computer control of all or parts of system; figure No. 4, 6;

Species III, drawn to the operation of a diversion separator; figure No. 5;

Species IV, drawn to a means to trap moisture within said separator; figure No. 5A;

Species V, drawn to accumulator activated by a first means; figures No. 7A, 7B;

Species V, drawn to accumulator activated by a first means; figures No. 8A, 8B;

Species VI, drawn to accumulator activated by a first means; figures No. 9A, 9B;

Species VII, drawn to accumulator activated by a first means; figures No. 10A, 10B;

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Species VIII, drawn to accumulator activated by a first means; figures No.

11A, 11B;

Species IX, drawn to accumulator activated by a first means; figures No.

12A, 12B;

Species X, drawn to an embodiment of the system of this invention;

figures No. 13;

Species XI, drawn to another embodiment of the system of this invention;

figure No. 14;

Species XII, drawn to another embodiment of the system of this invention;

figure No. 15;

Species XIII, drawn to another embodiment of the system of this invention;

figure No. 16;

Species XIV, drawn to another embodiment of the system of this

invention; figure No. 17;

Species XV, drawn to an ice debridging device; figure No. 18;

Species XVI, drawn to a second embodiment of an ice debridging device;

figure No. 19;

Species XVII, drawn to a third embodiment of an ice debridging device;

figure No. 20;

Species XVIII, drawn to a fourth embodiment of an ice debridging device;

figure No. 21;

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Species XIX, drawn to a fifth embodiment of an ice debridging device;

figure No. 22;

Species XX, drawn to a curved conduit; figure No. 23;

Species XXI, drawn to a second curved conduit; figure No. 24;

Species XXII, drawn to an embodiment incorporating an airlock device;

figure No. 25;

Species XXIII, drawn to another embodiment incorporating an airlock

device; figure No. 26;

Species XXIV, drawn to a diverter/shifter; figures No. 26A-32;

Species XXV, drawn to automatic refilling of ice dispensers; figure No. 33;

Species XXVI, drawn to a sixth embodiment of an ice debridging device;

figure No. 34;

Species XXVII, drawn to a terminal portion of the system, configured for

installation in a low clearance location; figure No. 35;

Species XXVIII, drawn to restrictor devices; figures No. 36a, 36b, 36c.

Applicant is required under 35 U.S.C. 35 Section 121, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election. Currently, no claims appear to be generic.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

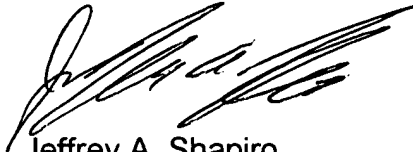
Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. Section 103 (a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is 1-703-308-3423. The examiner can normally be reached on 8:00am - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P Ellis can be reached on 1-703-308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are 1-703-308-0552 for regular communications and 1-703-308-0552 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1-703-308-1113.



Jeffrey A. Shapiro
Patent Examiner
Art Unit 3651

November 23, 1999



CHRISTOPHER P. ELLIS
PRIMARY EXAMINER